

**Supporting Statement for Information Collection:
Administrative Changes
(OMB Control No. 3090-0303)**

A. Justification.

1. Explain the circumstances that make the collection of information necessary.

The General Services Administration (GSA) is amending the General Services Administration Acquisition Regulation (GSAR) coverage on Federal Supply Schedule (FSS) Contracting, including provisions and clauses for solicitations and resultant contracts, to clarify, update, and incorporate existing FSS contracting policies and procedures.

2. Indicate how, by whom, and for what purpose the information is to be used.

The information is used by contracting officers to review required submittals and evaluate a contractor's progress during contract administration.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques.

GSA uses improved information technology to the maximum extent practicable. Where both GSA and contractors are capable of electronic interchange, contractors may submit information requirements electronically.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

There is no similar data and no duplication exists.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

The burden applies equally to small businesses that opt to do business with GSA. This information collected is necessary to meet the specific objectives of the contract.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

Not collecting this information or collecting this information less frequently would impede contracting officers from performing their administrative functions in an efficient and effective manner.

7. Explain any special circumstances.

No special circumstances exist. Collection is consistent with the guidelines in 5 CFR 1320.6.

8. Describe efforts to consult with persons outside the agency.

A notice was published in the *Federal Register* as part of Proposed Rule 2013-G502, at 79 FR 54126, on September 10, 2014. Three comments were received.

Discussion and Analysis:

Respondent: Please address several collections of information, mandated for submittal in all FSS solicitations, which do not appear to be listed in OMB's current Inventory of Approved Information Collections on reginfo.gov as part of the IRFA analysis.

GSA Response: The IRFA describes the impact of the proposed rule on small entities. It does not break the clauses down individually. GSAR case 2013-G502, which incorporates a number of provisions and clauses currently in use in FSS solicitations and contracts, includes an IRFA that took into consideration all of the applicable clauses and provisions that may impact small entities. The requirements described in this comment are not part of the provisions and clauses on which this rule seeks feedback. The collection requirements included in this comment are included in OMB Control 3090-0163. No changes were made to the rule as a result of this comment.

Respondent: The methodology for estimating Paperwork Burdens is flawed resulting in a significant underestimation of the burden imposed by the rule.

GSA Response: GSA has outlined its methodology for calculating the burden estimates in the information collection supporting statement. Since no specific information on how the methodology is flawed was provided, no changes were made to the rule as a result of this comment.

Respondent: Clarify what information collection requirements are being referred to in GSAR clause *Information Collection Requirements* and comment on whether this provision would be accurate in all FSS solicitations as proposed.

GSA Response: The information collection associated with this clause, OMB control number 3090-0163, is for information specific to a contract or contracting action, not required by regulation. The supporting statement for this information collection notes it is "associated with GSA's information collection requirements contained in solicitations issued in accordance with the Uniform Contract Format under FAR Part 14, Sealed Bidding (see GSAR 514.201-1); FAR Part 15, Contracting by Negotiation (see GSAR 515.204-1); and solicitations under FAR Part 12, Acquisition of Commercial Items, when issued in accordance with the policy and procedures of FAR Part 14 and FAR Part 15 (see GSAR 512.301). This includes information collection requirements found in GSA Federal Supply Schedule (FSS) solicitations."

A 30-day notice published in the *Federal Register* at 84 FR 14117 on April 9, 2019. No comments were received.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

Not applicable.

10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

Information collected is disclosed only to the extent consistent with prudent business practices, agency regulations, and applicable statutes.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

No sensitive questions are involved.

12 & 13. Provide estimates of the hour burden of the collection of information.

Total public reporting burden estimated for this information collection includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Based on FY18 active Schedule contract holders, the estimated burden hours to the public for the new and reinstated clauses are as follows:

The reinstated GSAR clause 552.238-84 *Discounts for Prompt Payment* requires the offeror to provide the Government a discount for early payment, if applicable. The clause was previously GSAR 552.232-8.

Estimated respondents per year: 14,674.
Estimated responses per respondent: 1.
Total annual responses: 14,674.
Estimated preparation hours per response: 1.0.
Total response burden hours: 14,674.

The new GSAR clause 552.238-87 *Delivery Prices* requires the offeror to identify the intended geographic area(s)/countries/zones that are to be covered.

Estimated respondents: 8,000.
Estimated responses per respondent: 1.
Total annual responses: 8,000.
Estimated preparation hours per response: .50 (30 minutes).
Total response burden hours: 4,000.

The new GSAR clause 552.238-95 *Separate Charge for Performance Oriented Packaging* requires the offeror to list any separate charge for preservation, packaging, packing and marking, and labeling of domestic and overseas HAZMAT surface shipments.

Estimated respondents: 8,000.

Estimated responses per respondent: 1.

Total annual responses: 8,000.

Estimated preparation hours per response: .50 (30 minutes).

Total response burden hours: 4,000.

The new GSAR clause 552.238-96 *Separate Charge for Delivery within Consignee's Premises* requires the offeror to list any separate cost for shipping when the delivery is within the consignee's premises (inclusive of items that are comparable in size and weight).

Estimated respondents: 8,000.

Estimated responses per respondent: 1.

Total annual responses: 8,000.

Estimated preparation hours per response: .50 (30 minutes).

Total response burden hours: 4,000.

The new GSAR clause 552.238-97 *Parts and Service* requires the offeror to include in the price list, the names and addresses of all supply and service points maintained in the geographic area in which the offeror will perform, whether or not a complete stock of repair parts for items offered is carried at that point, and whether or not mechanical service is available.

Estimated respondents: 8,000.

Estimated responses per respondent: 1.

Total annual responses: 8,000.

Estimated preparation hours per response: .50 (30 minutes).

Total response burden hours: 4,000.

The new GSAR clause 552.238-99 *Delivery Prices Overseas* requires the offeror to identify the intended geographic area(s)/countries/zones which are to be covered.

Estimated respondents: 8,000.

Estimated responses per respondent: 1.

Total annual responses: 8,000.

Estimated preparation hours per response: .50 (30 minutes).

Total response burden hours: 4,000.

The new GSAR clause 552.238-111 *Environmental Protection Agency Registration Requirement* requires the offeror to list the manufacturers' and or distributors' name and EPA Registration Number for each item requiring registration with the EPA.

Estimated respondents: 8,000.

Estimated responses per respondent: 1.

Total annual responses: 8,000.

Estimated preparation hours per response: .50 (30 minutes).

Total response burden hours: 4,000.

The new GSAR clause 552.238-85 *Contractor’s Billing Responsibilities* contains a recordkeeping requirement that is subject to the Paperwork Reduction Act (44 U.S.C. 3501, et seq.). The clause provides for the contractor to require all dealers participating in the performance of the contract to agree to maintain certain records on sales made under the contract on behalf of the contractor. However, it does not add burden to what is already estimated for the existing GSAR clause 552.238-80 *Industrial Funding Fee and Sales Reporting* by a previous information collection (see OMB Control Number 3090-0121 *Industrial Funding Fee and Sales Reporting* and OMB Control Number 3090-0306 *Industrial Funding Fee and Sales Reporting, Alternate I*).

Total public reporting burden for this collection of information is estimated to average 38,674 total hours.

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|-------------------------------------|----------------|
| Total response burden hours..... | 38,674. |
| Cost per hour*..... | x\$47.06. |
| Estimated Cost Burden to the Public | \$1,819,998.44 |

*The estimated cost per hour is based on the task being accomplished by midlevel contractor personnel equivalent to a GS-12, Step 5 rate of \$34.54 (Base Pay and Rest of US Locality Pay) (Salary Table 2018-GS, Effective January 2018), with fringe of 36.25% (\$12.52) (OMB Memo M-08-13) for a total cost per hour of \$47.06. The estimated cost per response is \$37.91.

13. Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14.)

Not applicable. See response to Item 12, above.

14. Provide estimates of annualized costs to the Federal Government.

Government hours per response are based on the time required to review the submittal documents.

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|------------------------------------|------------------|
| Estimated annual responses | 38,674 |
| Estimated review time per response | <u>x .50</u> |
| Total Review Time | 19,337 |
| Cost per hour* | <u>x \$47.06</u> |
| Total Annual Government Cost | \$909,999.22 |

*The estimated cost per hour is based on the task being accomplished by midlevel Contracts Specialist equivalent to a GS-12, Step 5 rate of \$34.54 (Base Pay and Rest of US Locality Pay) (Salary Table 2018-GS, Effective January 2018), with fringe of 36.25% (\$12.52) (OMB Memo M-08-13) for a total cost per hour of \$47.06.

15. Explain the reasons for any program changes or adjustments reported.

GSA is amending the GSAR to update the text addressing Part 515, Contracting by Negotiation; Part 538, Federal Supply Schedule Contracting; and GSAR Part 552, Solicitation Provisions and Contract Clauses, to clarify, update, and incorporate existing Federal Supply Schedule contracting policies and procedures.

16. For collections of information whose results will be published, outline plans for tabulation and publication.

Results of this collection will not be tabulated or published. Information collected will be used for internal administration of contracts.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

Not applicable.

18. Explain each exception to the certification statement identified in the “Certification for Paperwork Reduction Act Submissions”.

Not applicable.

B. Collections of Information Employing Statistical Methods.

Statistical methods are not used in this information collection.